

FORM TO BE USED BY A PRISONER IN
FILING A CIVIL RIGHTS COMPLAINTIN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF OHIO

Holden Gallagher, Marvin Short Jr., John Garrett,
Thomas Van Tuinen, Marco, Torres

(Enter above the full name of the plaintiff in this action)

vs.

Telmate LLC, Dennis Sullivan, Craig Efdan,

Chris Batt, Ron Kuckuck, Commander Bloan,

4/6 Seth Mansfield

(Enter above the full name of the defendant(s) in this action)

CIVIL CASE NO. 3:19 CV 2296JUDGE JUDGE HELMICK

COMPLAINT

MAG. JUDGE JAMES R. KNEPP II

I. Previous Lawsuits

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? YES NO

B. If your answer to A is yes, describe the lawsuit in the space below, (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit

Plaintiffs Holden GallagherDefendants Southern Health Partners, Nurses: Anna Pannell, Judy, Julie,Dennis Sullivan, Commanders, 4/6 Tiltout 4/6 Dean

2. Court (if federal court, name the district; if state court, name the county)

Northern District of Ohio Court3. Docket Number 3:19 CV 18824. Name of judge to whom case was assigned Jeffery Helmick

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5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

Pending

6. Approximate date of filing lawsuit 8/19/19

7. Approximate date of disposition N/A

II. Place of Present Confinement CCW

A. Is there a prisoner grievance procedure in this institution? YES NO

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

YES NO

C. If your answer is YES,

1. What steps did you take? Request then grievance and appeals.

2. What was the result? The issue is being looked into or rights are not violated or refuse to hear and answer issue with rights.

D. If your answer is NO, explain why not

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities?

YES NO

F. If your answer is YES,

1. What steps did you take?

2. What was the result?

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III. Parties

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, ~~201806681~~ ~~201806681~~

~~Holden Gallagher, Marvin Short Jr., John Garrett,~~

A. Name of the Plaintiff Thomas Van Tuinen, Marco Torres
201902467 201803451

Address CCNO- 03151 County Rd. 2425 Stryker, OH 43557

(In item B below, place the full name of the defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Use item C for the names, positions and places of employment of any additional defendants).

B. Defendant Telmate, LLC is employed as

ICS Contract at CCNO

C. Additional Defendants Dennis Sullivan - CCNO Executive Director, Craig Eiken - CCNO dir. of Security,
Chris Batt - CCNO manger, Ron Kulkuck - CCNO, Commander Bloom - CCNO, 16 Mansfield - CCNO

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separated paragraph. Use as much space as you need. (Attach extra sheet(s) if necessary).

Telmate, LLC is an inmate calling service as a contract with CCNO.

As a result, CCNO stopped allowing photos through mail May 1st, 2019.

They now have to be done via GTEL platform at gettingout.com or the

mobile app. The sender is charged \$0.50 per photo to send. Most -
normal photos within guidelines are denied and senders are still charged.

We inmates, are forced to use standard account on tablets at \$1.05 per
minute to view photos. They often load very slow or not at all. In the
U.S. Constitution, photos are considered mail. We have asked to scan photos -

(continued)

(Statement of Claim Continued)

from mail and then just say, "They went". Clearly CCNO profits from the charges from Telmate. Commander Bloom and Ron Kuckuk just wont hear us out addressing violating our rights. This violates 1st amendment right to mail.

As of August 6th, 2019, All incoming mail is scanned to GTL tablets.

Staff claims to destroy our mail after it's scanned. The app, "Facility messages" is where our mail is scanned to. It often does not load or brings up previous mail randomly or even brings up the envelope with a previous letter or will have a box on it grayed out or have lines from load failure. We have complained to Telmate and staff several times. The responses are, "Forwarded to GTL, we are aware, please refrain from sending repeated complaints for same issue." This has been an issue for 3 months now, with network failure for tablets. This violates the 8th amendment cruel and unusual punishment, due process clause of 14th and 1st amendment right to mail.

Every day, all day, the network for tablets is extremely slow. It frequently kicks us out or will not let us login with several error codes. Everyday at 9:30am, access to apps like Request to Staff, Facility messages, video visits, photos, and law library is restricted from my Computer Science experience. We do have restricted times with tablets. They are off on 3rd shift. We have a right to redress of grievances by 1st amendment. Request to Staff process is done only on tablets, allowing only 1 per 24 hours to prevent request abuse like asking to move bunks or dorms. They refuse the paper form requests. This violates our 1st amendment right to redress of grievances, 8th amendment cruel/unusual punishment, and due process clause of 14th.

(Statement of Claim Continued)

As far punishment for others holding on to tablets, we've had them taken, threatened to have access restricted to them, when we cannot write requests or complaints, view our photos, read our mail, or have video visits without proper due process with discipline procedures. Most of the time the network is so screwed up, things will not load or even let us login. We have to hang on to them and keep trying until they work again. Staff claims that the time used on tablets don't match to how many tablets we have.

This is because they take our money and will not work. We have 20 tablets for 64-70 inmates to use in Mechanics. At least 3 are always dead. I've had them shut off dead at 40% battery. They claim they don't need more tablets. This violates 1st amendment right to mail, right to redress of grievances, and right to access to courts (Law Library), 8th amendment (cruel unusual punishment), and due process clause of 14th.

According to 30 FCC Rcd 12763, as of July 1st, 2019 and going forward, the per minute rate cap for inmate calling services (ILS) is \$.16 for a jail size of 350-999 inmates. LCNO holds near 670. We have sent a complaint to Telmate advising the FCC regulation and their reply, "we have reviewed your request and we do not see an issue." We are charged \$.22 - \$.25 per minute. When asking for copies of 670 requests, they say it must be supervised from the Court.

(ODRC reduced rates to \$.05 per minute as of April 1st, 2015.

In announcing it's change, ODRC noted that telephone calls are one of the primary means of inmates connections with family and loved ones during incarceration, maintaining those connections positively influences behavior in prison and the likelihood -

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(Statement of Claim Continued)

As for punishment for others holding on to tablets, we've had them taken, threatened to have access restricted to them, where we cannot write requests or complaints, view our photos, read our mail, or have video visits without proper due process with discipline procedures. Most of the time the network is so screwed up, things will not load or even let us log in. We have to hang on to them and keep trying until they work again. Staff claims that the time used on tablets don't match to how many tablets we have.

This is because they take our money and will not work.

We have 20 tablets for 64-70 inmates to use in the dorms. At least 3 are always dead. I've had them shut off dead at 40% battery. They claim they don't need more tablets.

This violates 1st amendment right to mail, right to redress of grievances, and right to access to courts (law library), 8th amendment (cruel & unusual punishment), and due process clause of 14th.

According to 30 FCC Rcd 12763, as of July 1st, 2018 and going forward, the per minute rate cap for inmate calling services (ICS) is \$.16 for a jail size of 350-499 inmates. CCNO holds near 670. We have sent a complaint to Telmate advising the FCC regulation and their reply, "we have reviewed your request and we do not see an issue". We are charged \$.22 - \$.25 per minute. When asking for copies of GTR requests, they say it must be supervised from the Court.

(ODRC reduced rates to \$.05 per minute as of April 1st, 2015.

In announcing it's change, ODRC noted that telephone calls are one of the primary means of inmates connections with family and loved ones during incarceration; maintaining those connections positively influences behavior in prison and the likelihood -

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(Statement of claim (continued))

- an offender will succeed upon release from prison.

Global Tel Link and Telnote, LLC has signed the FCC
thus violating the FCC regulation and 8th amendment cruel & unusual
punishment, and due process clause of 14th.

9/5/19 at 11:20 pm, I, Holden Gallagher, asked to Mansfield
on 3rd shift, a request form and was denied. This violates
the 1st amendment redress of grievances.

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V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes).

\$1200,000 for each plaintiff for punitive damages that suffered during this time.

order Yelmate to FPC problems or have CCNO revert back to regular mail
and photos. Order no retaliation allowed for use of our rights,

Requesting declaratory relief.

Signed this 5 day of September, 19/2019.

I declare under penalty of perjury that the foregoing is true and correct.

9/5/19

(Date)

Hector Salazar, Anna Shultz
(Signature of Plaintiff)

DV-D

JRC
Marcos Jones
MARCOS JONES